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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/579,164

05/29/2007

Margit Teltschik

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EXAMINER

ROBINSON, CHANCEITY N

ART UNIT

PAPER NUMBER

1795

MAIL DATE

DELIVERY MODE

02/25/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/579,164

Applicant(s)

TELTSCHIK ET AL.

Examiner

CHANCEITY N. ROBINSON

Art Unit

1795

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 February 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-15.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Cynthia H Kelly/
Supervisory Patent Examiner, Art Unit 1795

/Chanceity N Robinson/
Examiner, Art Unit 1795

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that Suzuki relates to a photosensitive composition having improved processability and a photosensitive rubber plate capable being washed at high rate at the step of development. Suzuki is completely unrelated to thermal development. The applicant is unable to find the text portion in example 1 stating the exposed flexographic printing plate is heated to a temperature of from 40 to 200 degrees Celsius. The entire reference of Suzuki is related to a photosensitive rubber plate which is developed using a developer solution and not thermally. There is no disclosure whatsoever as to thermal development of the exposed printing plate. The applicant's claimed process is different from Suzuki's process. The applicant believes that the Examiner must add the entire thermal development step of Dudek to Suzuki in order to arrive at the claimed invention, since Suzuki is completely silent on heating the exposed flexographic printing plate and softening the inexposed parts, which would be a precondition for applying in any removal step as taught by Dudek. Both reference processes can simply not be combined in a meaningful manner. The tear resistance and internal strength are properties of the absorbent material and not of the printing plate. The examiner respectfully disagrees. Examiner notes the instant application only recites in claim 1 a process comprising at least imagewise exposure of the photopolymerizable layer to actinic radiation, heating of the exposed printing element to a certain temperature and removal of the softened, unpolymerized parts of the relief-forming layer with a formation of a printing relief. There is no recitation in the instant application's claim 1 of thermally developing the printing plate and there is no specific order to process the printing plate. Suzuki explicitly discloses a photosensitive composition used to prepare a flexographic printing plate (abstract) comprising of imagewise exposed to light or actinic radiation (col. 10, lines 46-51). Examiner notes it is well known in the art to use actinic radiation as the exposing light as recited in col. 1, line 20-27 of Suzuki. Also, Suzuki et al. disclose the exposed printing plate is developed at a temperature of 50 degrees C in col. 11, lines 19-25 and washed and again dried at 70 degrees C in col. 11, lines 26-28. Example of Suzuki disclosed the photosensitive composition that is used to produce the printing plate is processed by press-formed the photosensitive composition into a rubber plate to a temperature of 110 to 130 degrees C. Examiner agrees that the phrase, thermal is not explicitly recited by the reference. However, the term "thermal" is defined as a thermal property which is dependent of a temperature or related to or caused by heat . Drying is a form of heating. Examiner notes the flexographic printing plate of Suzuki is expose to radiation, then develop with a solution and heated a temperature. Since the plate is heated at a temperature, then the plate is considered to be thermal. Examiner notes the instant application contains open language, "comprises" and therefore, the plate of the instant application could be developed also with a developing solution. With regards to Dudek and Suzuki, examiner has addressed these arguments previously in final rejection mailed on 12/18/2009 on pages 6-8. Therefore, the rejections are maintained.